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END5006USNPAmendments to the Claims

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A biopsy device comprising:  
a hollow biopsy needle having a lateral tissue receiving port;  
a hollow cutter advancable within the biopsy needle, the cutter having a distal end;  
a first mechanism for advancing the distal end of the cutter to a position proximal of the lateral tissue receiving port; wherein the first mechanism employs pneumatics; and  
a second mechanism for advancing the distal end of the cutter distal of said position proximal of the lateral tissue receiving port, wherein the second mechanism does not employ pneumatics.
2. (original) The biopsy device of claim 1 wherein the first mechanism employs a pressure differential for advancing the cutter.
3. (canceled)
4. (original) The biopsy device of Claim 1 wherein said second mechanism rotates and advances said cutter.
5. (original) The biopsy device of Claim 1 wherein the first mechanism advances the cutter at first rate, and wherein the second mechanism advances the cutter at a second rate.
6. (original) The biopsy device of Claim 5 wherein the first rate is different from the second rate.
7. (original) The biopsy device of Claim 5 wherein the first rate is greater than the second rate.

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8. through 27. (cancelled)

28. (previously presented) The biopsy device of Claim 1 wherein at least one of the first and second mechanisms comprises a piston.

29. (previously presented) The biopsy device of Claim 28 wherein the piston is non-rotating.

30. (previously presented) The biopsy device of Claim 1 wherein the first mechanism advances the cutter without rotation of the cutter, and wherein the second mechanism advances and rotates the cutter.

31. (previously presented) The biopsy device of Claim 1 wherein the second mechanism advances the cutter from a position proximal of the tissue receiving port to a position distal of the tissue receiving port.

32. (currently amended) A biopsy device comprising:  
a hollow biopsy needle having a lateral tissue receiving port;  
a hollow cutter advancable within the biopsy needle, the hollow cutter having an open distal end;  
a first mechanism for advancing the distal end of the cutter to a position proximal of the lateral tissue receiving port, wherein the first mechanism is not operable to rotate the cutter; and  
a second mechanism for advancing the distal end of the cutter to a position distal of the lateral tissue receiving port, wherein the second mechanism is operable to simultaneously advance and rotate the cutter wherein the second mechanism has at least one component that is not in the first mechanism.

33. (currently amended) The biopsy device of claim 32 1, wherein the first mechanism has at least one component that is not in the second mechanism.

34. (currently amended) The biopsy device of claim 32 3, wherein the second mechanism does not employ pneumatics.

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35. (currently amended) The biopsy device of claim 32 +, wherein the first mechanism comprises a piston.

36. (new) The biopsy device of claim 35, wherein the second mechanism comprises threaded components engageable with one another.

37. (new) The biopsy device of claim 1, wherein the second mechanism is operable to simultaneously advance and rotate the cutter.

38. (new) The biopsy device of claim 37, wherein the first mechanism is not operable to rotate the cutter.

39. (new) The biopsy device of claim 31, wherein the second mechanism is further operable to retract the cutter from the position distal of the tissue receiving port to the position proximal of the tissue receiving port.

40. (new) A biopsy device comprising:

- a hollow biopsy needle having a lateral tissue receiving port;
- a hollow cutter having a distal end advancable within the biopsy needle;
- a fluid driven piston operatively associated with the cutter for advancing the distal end of the cutter to a position proximal of the lateral tissue receiving port; and
- a non-pneumatic mechanism operatively associated with the cutter for advancing the distal end of the cutter from the position proximal of the lateral tissue receiving port to a position distal of the lateral tissue receiving port.